IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.665 of 2006
Date of decision: September 26,2006

Paramjit Kaur and another V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S.BHALLA

Present: Shri Sandeep Arora,Advocate, for the petitioners.
Shri Sukhdip Singh Brar, Additional Advocate General,Punjab
Shri Atul Nehra, Advocate for respondent No.2.
Shri Sumeet Sheokand,Advocate, or respondent No.3.

Viney Mittal,J.

In the month of September,2005, Guru Nanak Dev University, Amritsar, respondent No.3, issued a prospectus for filling up the seats to the course of B.Sc (Nursing) in various Colleges affiliated to the University.

The petitioners had appeared for their Senior Secondary School (+2) examination held in March,2005. However, both the petitioners were placed in reappear in one of the papers each. The aforesaid reappear examination was successfully cleared by the petitioners in the month of August,2005.

The entrance examination for admission to B.Sc. Nursuing Course was held on September 21,2005. The petitioners participated in the said entrance examination. As per eligibility criteria set up by the University, as given in the advertisement, a candidate having more than 320 marks or above in general merit in

PPMET-2005 was eligible to be counselled for admission. The aforesaid counselling was scheduled for September 28/29, 2005. However, the said condition was revised subsequently.

Petitioner No.1 appeared in the first counselling and was admitted to the aforesaid course in Adesh Institute of Medical Sciences, Muktsar, respondent No.4. However, petitioner No.2 claims that she did not come to know about the relaxation of condition with regard to eligibility of reappear candidates and as such was entitled to attend the first conselling. Petitioner No.1 was granted admission and deposited her dues and commenced her studies.

The petitioner claims that later on it was felt by the University that in case the criteria fixed as per the original advertisement was not relaxed, then most of the seats in the aforesaid course would remain vacant. Consequently, another notice dated October 25,2005 was issued in the Newspaper vide which it was informed that eligibility of the candidates with respect to general category was revised from Original 40% to 35% and with regard to SC/BC category, the eligibility was fixed at 25%. The last date was also extended upto October 31,2005. The second counselling was to be held accordingly. In the second counselling held on October 29,2005, petitioner No.2 Shimpa was also admitted. She also paid her dues and commenced her studies.

Later on the petitioners have received notices from the College,respondent No.4, intimating that their admission was liable to be cancelled, since the petitioners were not eligible being reappear candidates.

However, the petitioners claim that similar candidates as the petitioners, had approached this court and on a decision taken by

the State of Punjab such candidates were accommodated against the vacancies. The petitioners claim that their case is identically placed, as of the candidates who had approached this court through the various writ petitions.

Originally, the claim of the petitioners was contested by the respondents. Separate written statements were filed on behalf of respondent No.1 and the College, respondent No.4. However, during the course of arguments Shri Sukhdip Singh Brar,,learned Additional Advocate General,Punjab appearing for respondent No.4, Adesh Institute of Medial Sciences, Muktsar, on instructions, has stated that if the case of the petitioners is to be allowed by this court, then that would result in a total strength of 63 students pursuing their studies in the academic session 2005-06, as against the sanctioned strength of 60 students in the College. In these circumstances, Shri Brar has requested that if Baba Farid University of Health Sciences, respondent No.2, accepts the additional strength of three students to continue and the admission of the aforesaid students is regularized, the College, respondent No.4 agrees to have an intake of 3 students less for the academic session 2006-07.

We find that keeping in view the facts and circumstances of the case and the hardship faced by the petitioners, the offer made by Shri Brar on behalf of respondent-College is absolutely fair and justified. In view of the aforesaid fact and circumstances and also keeping in view the fair offer made by Shri Brar, learned counsel appearing for the respondent-university, Shri Atul Nehra has also no objection to the acceptance of the aforesaid offer.

In view of the aforesaid agreed stand between the learned counsel for the parties, the present petition is allowed. The

admission of the petitioners in the Bachelor of Sciences (Nursing) Course for the academic session 2005-06 shall stand regularized. However, respondent No.4, Adesh Institute of Medical Sciences, Muktsar shall abide by the undertaking given on its behalf by the learned counsel and admit three students less than its intake capacity in the next academic session 2006-07. The result of the petitioners for the examination in which they have appeared under the interim orders passed by this court shall also be declared by the respondent-university forthwith.

Before parting with this order,we make it clear that this order has been passed on the basis of the agreement between the parties and shall not be used as a precedent to admit more students than its sanctioned intake capacity so as to secure a similar benefit later on.

Copy of the order be given dasti on usual payment.

(Viney Mittal)
Judge

September 26,2006 (H.S.Bhalla)
sks Judge